

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
EASTERN DIVISION**

**LIONEL OLIVAREZ
ADC #159417**

PLAINTIFF

v. **No: 2:18-cv-00141 KGB-PSH**

TIFFANY M. MUNN, *et al.*

DEFENDANTS

PROPOSED FINDINGS AND RECOMMENDATION

INSTRUCTIONS

The following Proposed Findings and Recommendation have been sent to United States District Judge Kristine G. Baker. You may file written objections to all or part of this Recommendation. If you do so, those objections must: (1) specifically explain the factual and/or legal basis for your objection; and (2) be received by the Clerk of this Court within fourteen (14) days of this Recommendation. By not objecting, you may waive the right to appeal questions of fact.

DISPOSITION

A *pro se* complaint was filed on behalf of Plaintiff Lionel Olivarez on October 11, 2018 (Doc. No. 1). Olivarez did not sign the complaint. On October 15, 2018, the Court entered an order directing Olivarez to file a signed complaint and to submit the full \$400.00 filing and administrative fees or file a fully completed and signed IFP application within 30 days. *See* Doc. No. 2. Olivarez was cautioned that failure to comply with the Court's order within that time would result in the recommended dismissal of his case.

More than 30 days have passed, and Olivarez has not complied or otherwise responded to the October 15 order. Accordingly, the Court finds that this action should be dismissed without prejudice for failure to comply with Local Rule 5.5(c)(2) and failure to respond to the Court's orders. *See Miller v. Benson*, 51 F.3d 166, 168 (8th Cir. 1995) (district courts have inherent power to dismiss *sua sponte* a case for failure to prosecute, and exercise of that power is reviewed for abuse of discretion).

IT IS THEREFORE RECOMMENDED THAT Olivarez's complaint (Doc. No. 1) be DISMISSED WITHOUT PREJUDICE.

DATED this 20th day of November, 2018.



UNITED STATES MAGISTRATE JUDGE